

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RAUL CLARK; BRUCE CLARK  
AND IRAIDA CLARK,  
Plaintiffs,

vs.

MICHAEL T. CONAHAN; MARK A.  
CIAVARELLA; THE LUZERNE  
COUNTY JUVENILE PROBATION  
DEPARTMENT; SANDRA BRULO;  
ROBERT J. POWELL; PA CHILD CARE,  
LLC; ROBERT K. MERICLE; MERICLE  
CONSTRUCTION, INC.; GREGORY  
ZAPPALA; PINNACLE GROUP of JUPITER,  
LLC; BARBARA CONAHAN; CINDY  
CIAVARELLA; BEVERAGE MARKETING  
OF PA, INC.; VISION HOLDINGS, LLC;  
MID ATLANTIC YOUTH SERVICES  
CORP.; POWELL LAW GROUP, P.C.; JOHN  
DOE DEFENDANTS NOS. 1-10 AND JOHN  
DOE ENTITIES NOS. 1 through 10,

Defendants.

CIVIL ACTION NO. 3:09-cv-02535

JURY TRIAL DEMANDED

FILED  
SCRANTON

SEP 17 2010

  
PER \_\_\_\_\_  
DEPUTY CLERK

**DEFENDANT'S, MARK A. CIAVARELLA, JR., ANSWER AND AFFIRMATIVE  
DEFENSES TO PLAINTIFFS' COMPLAINT**

The defendant, Mark A. Ciavarella, Jr., hereby makes Answers to Plaintiffs' Complaint and raises Affirmative Defenses thereto as follows:

1. – 269. The allegations contained in paragraphs one (1) through two hundred sixty-nine (269) of Plaintiffs' Complaint are hereby denied and strict proof thereof is demanded at the time of trial.

**FIRST AFFIRMATIVE DEFENSE**

Defendant is entitled to absolute judicial immunity on all claims raised by Plaintiffs.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred as a result of Plaintiffs' contributory negligence.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred as a result of Plaintiffs' assumption of the risk.

**FOURTH AFFIRMATIVE DEFENSE**

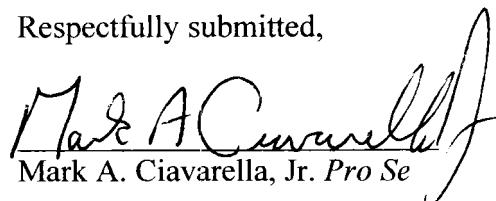
Plaintiffs' claims have not been timely filed and are barred pursuant to the appropriate statute of limitations.

**FIFTH AFFIRMATIVE DEFENSE**

This court lacks jurisdiction over the person and subject matter as alleged in plaintiffs' complaint.

WHEREFORE, Defendant hereby requests judgment be entered in his favor and against plaintiffs.

Respectfully submitted,



Mark A. Ciavarella  
Mark A. Ciavarella, Jr. Pro Se

## CERTIFICATE OF SERVICE

I, Mark A. Ciavarella, Jr., Pro Se, do hereby certify that a true and correct copy of the foregoing document was filed on the 17<sup>th</sup> day of Sept 2010 and is available for viewing and downloading from the ECF system.

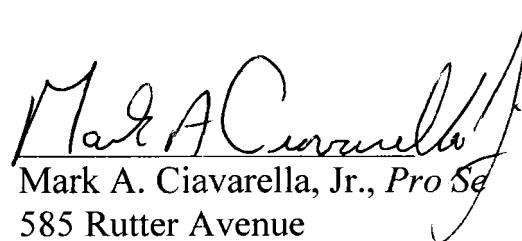
I further certify that the above document was also served by U.S. Mail, First Class, postage pre-paid upon following:

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